



Entered on Docket
March 12, 2008

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE HOMES FOR AMERICA
HOLDING, LLC – RIVIERA 2ND
DEED OF TRUST LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Homes for America Holding,
3 LLC – Riviera 2nd Deed of Trust Loan (the "Objection") [DE 5637]. Adequate notice of
4 the Objection was given. No responses were filed to the Objection and no opposition was
5 raised to the Objection at the hearing on February 21, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Homes for America Holding, LLC – Riviera 2nd Deed of Trust Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

12
13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

EXHIBIT A

HFA – Riviera 2nd
 First Omnibus Objection
 Single Loan Claims

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the HFA - Riviera 2nd Loan
10725-01355	Cynthia Avanzino	14519 SE 13th Place Bellevue, WA 98007	7,512.00	7,512.00
10725-00160	Chiappetta Trust Dated 4/1/03	c/o Pat and JoAnn Chiappetta Trustees 7043 Cinnamon Drive Sparks, NV 89436	75,000.00	7,512.00
10725-01976	John P. and Nancy K. Manter Living Trust	1449 Tirol Drive Incline Village, NV 89451	25,000.00	25,000.00
10725-01981	John Manter	1449 TIROL DR INCLINE VILLAGE NV 89451-7902	50,000.00	50,000.00
10725-02222	James Rogers IRA	Pensco Trust Co. Inc. Custodian 78 Seal Rock Drive San Francisco, CA 94121	102,150.00	102,150.00
10725-00946	David Stoebling	3568 East Russell Road, Suite D Las Vegas, NV 89120-2234	979.54	979.54